

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARILYN MEYERS, o/b/o K.M.,

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner of
Social Security,

Defendant.

CASE NO. C06-5399RBL-KLS

ORDER

The Court, having reviewed defendant's motion to dismiss (Dkt. #8), the Report and Recommendation of United States Magistrate Judge Karen L. Strombom, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) the Court adopts the Report and Recommendation;
- (2) the Commissioner erred as described in the report;
- (3) defendant's motion to dismiss is denied;
- (4) this matter is remanded to the Commissioner for further administrative proceedings as described in the report; and
- (5) the Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel and Magistrate Judge Karen L. Strombom.

DATED this 15th day of December, 2006.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE